

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG

JODI D. DODSON,

Plaintiff,

v.

CIVIL ACTION NO. 3:12-CV-50
(JUDGE GROH)

FEDERAL BUREAU OF PRISONS;
BANNUM, INC.; CAROLYN DUNSON;
DANIEL MITCHELL; RICHARD NOBLE;
and CHERI SUMMERS,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge David J. Joel [Doc. 15]. By Standing Order, entered on March 24, 2000, this action was referred to Magistrate Judge Joel for submission of a proposed report and recommendation ("R & R"). Upon his initial review, Magistrate Judge Joel filed his R & R on July 16, 2013. In that filing, the magistrate judge recommends that the Plaintiff's *Bivens* complaint be dismissed with prejudice insofar as it applies to the United States Bureau of Prisons, based upon the Bureau of Prisons being an improper defendant, and be dismissed without prejudice with regard to the remaining defendants for failure to exhaust administrative remedies.

Pursuant to 28 U.S.C. §636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or


recommendation to which no objections are addressed. **Thomas v. Arn**, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the plaintiff's right to appeal this Court's Order. 28 U.S.C. §636(b)(1); **Snyder v. Ridenour**, 889 F.2d 1363, 1366 (4th Cir. 1989); **United States v. Schronce**, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Joel's R & R were due by August 5, 2013. To date, no objections have been filed. Accordingly, this Court will review the R & R for clear error.

Upon careful review of the record, it is the opinion of this Court that the magistrate judge's Report and Recommendation **[Doc. 15]** should be, and hereby is, **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Plaintiff's Complaint **[Doc. 1]** is hereby **DISMISSED WITH PREJUDICE** with regard to the United States Bureau of Prisons, and **DISMISSED WITHOUT PREJUDICE** with regard to the remaining defendants.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record and to mail a copy to the *pro se* plaintiff.

DATED: August 15, 2013.


GINA M. GROH
UNITED STATES DISTRICT JUDGE